

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BLACKROCK ALLOCATION TARGET
SHARES: SERIES S PORTFOLIO, *et al.*,

Plaintiffs,

-against-

WELLS FARGO BANK, NATIONAL
ASSOCIATION,

Defendant,

Case No. 14-cv-9371-KPF-SN

BLACKROCK BALANCED CAPITAL
PORTFOLIO (FI), *et al.*,

Plaintiffs,

v.

HSBC BANK USA, NATIONAL
ASSOCIATION,

Defendant.

Case No. 14-cv-9366-SAS-SN

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that annexed hereto is a true and correct copy of the Order issued by the Honorable Sarah Netburn on December 27, 2016, which was filed and entered in United States District Court for the Southern District of New York, in the action entitled *BlackRock Allocation Target Shares: Series S Portfolio, et al. v. Well Fargo Bank, N.A.*, No. 14-cv-09371-KPF-SN, on December 27, 2016. ECF No. 294.

Dated: December 27, 2016

BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP

/s/Benjamin Galdston
BENJAMIN GALDSTON

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TIMOTHY A. DeLANGE (*pro hac vice*)
BENJAMIN GALDSTON (*pro hac vice*)
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VIA ECF & HAND DELIVERY

The Honorable Sarah Netburn
Thurgood Marshall U.S. Courthouse
40 Foley Square, Room 430
New York, New York 10007

Re: *BlackRock Allocation Target Shares: Series S Portfolio, et al. v. Wells Fargo Bank, N.A.*,
No. 14-cv-09371-KPF-SN (S.D.N.Y.)

Dear Judge Netburn:

We write in response to Wells Fargo's letter of today's date [ECF No. 291], which mistakenly suggests the BlackRock Plaintiffs have failed to comply with the Deposition Protocol Order [ECF No. 284].

In compliance with the Deposition Protocol Order, the BlackRock Plaintiffs timely provided Wells Fargo with all information currently available to them concerning the deposition dates of its twenty-three noticed witnesses, including identifying known former employees and indicating representation status. Plaintiffs further committed to confirming or providing alternative dates for its witnesses on a rolling basis as soon as new information becomes available. However, Wells Fargo's letter ignores the complexities and challenges associated with confirming deposition dates for dozens of witnesses across seven different Plaintiff organizations in one week during the holiday season. The BlackRock Plaintiffs made Wells Fargo well aware of these anticipated issues during the parties' negotiations concerning the Deposition Protocol.

Relatedly, the BlackRock Plaintiffs are expeditiously working to confirm deposition dates concurrently in the *HSBC* action before Your Honor. In that case, the BlackRock Plaintiffs have confirmed dates for all 36 of HSBC's noticed deponents, including 6 overlapping witnesses between the two cases. Plaintiffs respectfully submit that Wells Fargo should be ordered to coordinate with HSBC as to those 6 confirmed overlapping depositions, in addition to any other depositions that overlap between the two actions, like the BlackRock Plaintiffs are doing with four coordinated cases involving different Trusts at issue.



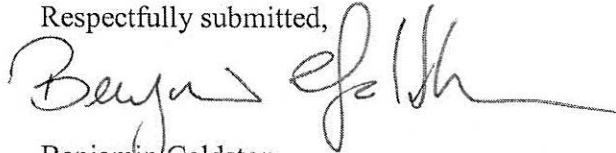
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The Honorable Sarah Netburn

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We thank the Court for its attention to this matter.

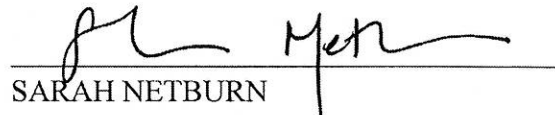
Respectfully submitted,



Benjamin Galdston

The plaintiffs' application to have Wells Fargo coordinate with HSBC with regards to the six confirmed overlapping witnesses in the two consolidated actions, as well as any other overlapping witnesses, is GRANTED.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

New York, New York
December 27, 2016